

**STATE OF LOUISIANA  
DEPARTMENT OF CIVIL SERVICE  
BATON ROUGE, LA**

January 24, 2006

<p>This public document was published at a total cost of \$9.82. 33 copies of this public document were published in this 1<sup>st</sup> printing at a cost of \$.29. The total cost of all printings of this document including reprints is \$9.82. This document was published by the Department of State Civil Service to keep agencies, employees, and other persons informed about the personnel program under authority of Article X of the Louisiana Constitution. This material was printed in accordance with standards for printing by State Agencies established pursuant to R.S. 43:31.</p>
---

**STATE PERSONNEL MANUAL  
TRANSMITTAL SHEET  
NO. 420**

**To:** HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

**Subject:** New Rule Allowing Extension of Furloughs Without Pay

**Issue Date:** January 24, 2006

At its meeting on January 11, 2006 the State Civil Service Commission adopted the following rule, on an emergency basis:

17.8 Furlough Without Pay

**(d) When the Commission or Director determines that extraordinary circumstances exist, they may approve an extension of furlough beyond 450 hours. If any employees are recalled during this extended furlough period, the employee with the most state service for a given job title shall be recalled first. If such position requires specific licensure or certification the employee with the most state service who meets those requirements shall be recalled first.**

Following Hurricanes Katrina and Rita, agencies have needed to use the furlough without pay as a mechanism to remove employees from their payrolls until such time as a formal layoff plan could be submitted, approved and implemented. Current rules impose specific time limits on the number of hours an employee can be furloughed. We have found that these limits do not always allow adequate time to implement the formal layoff process, particularly with regard to notifications and displacement offers. The emergency rule addresses this matter until such time as a permanent rule change can be implemented.

The emergency rule allows the Civil Service Commission or Director to approve a furlough for a period of time as recommended by DSCS Staff after consultation with the

agency. Extensions beyond 450 hours would be approved only under conditions that the Commission or Director has determined to be extraordinary and would be approved for the shortest possible period of time. Agencies using the extraordinary furlough extension are required to recall employees from the furlough, if needed, on the basis of seniority. The only exception to the seniority basis for recall would be if a particular position required a specific license or certification. In such a case, the most senior employee possessing that requirement shall be recalled first.

If there are any questions concerning the subject matter of this Transmittal Sheet, please call the Program Assistance Division at (225) 342-8274.

Please make the following changes in your Civil Service Rules:

<u>REMOVE:</u>		<u>INSERT:</u>	
<u>Page</u>	<u>T/S</u>	<u>Page</u>	<u>T/S</u>
20.107	374	20.107	374
20.108	374	20.108	420

Sincerely,

s/Anne Soileau  
Acting Director

- (b) Such withholding of merit increases shall not exceed one period of 12 consecutive months.
- (c) Employees whose merit increases are withheld shall retain their eligibility for such increases for a three-year period.

#### 17.7 Reduction in Work Hours

When an appointing authority determines it is necessary to reduce the work hours of employees in order to avoid or reduce layoffs, his request is subject to the following:

- (a) He shall include the reasons for the reduction, the names and jobs of any employees to be excluded and reasons for their exclusion, the number of work hours reduced for each employee, the proposed effective dates and periods of time involved, the organizational unit and geographic area(s) affected.
- (b) Such reductions shall not exceed one period of 12 consecutive months.
- (c) The number of work hours reduced for an employee shall not exceed 16 hours per biweekly payroll period.
- (d) An affected employee shall be subject to the same leave and overtime rule provisions as apply to employees on regular, part-time status. Any hours worked over the employee's reduced workweek shall be compensated with compensatory leave earned at the hour for hour rate. Hours which exceed a 40-hour workweek shall be compensated at the time and one-half rate if required by the Fair Labor Standards Act.

#### 17.8 Furlough without Pay

When an appointing authority determines that it is necessary to furlough employees without pay to avoid or reduce layoffs, his request is subject to the following:

- (a) He shall include reasons for the furlough, the names and jobs of those employees to be excluded, if any, and reasons for their exclusion, the total work hours or days for each employee, the dates and period of time involved, the organizational unit and the geographic area(s) affected. He shall also specify if employees will be recalled from furlough at the same time. If employees will be recalled at different times, the recall schedule must be specified and justified.

20.108 (Rule 17.8 Furlough without Pay – continued)

- (b) An employee shall not be furloughed for more than a total of 240 work hours in any 12 consecutive-month period without approval of the Commission.
- (c) With approval of the Commission, an employee may be furloughed up to a total of 450 work hours in a 12 consecutive-month period.
- (d) When the Commission or Director determines that extraordinary circumstances exist, they may approve an extension of furlough beyond 450 hours. If any employees are recalled during this extended furlough period, the employee with the most state service for a given job title shall be recalled first. If such position requires specific licensure or certification the employee with the most state service who meets those requirements shall be recalled first.

## **SECTION 2 – LAYOFFS**

### **17.9 Types of Layoffs; Notice to Director and Approval Required for Each**

#### **(a) Layoffs involving permanent employees**

1. A written plan shall be submitted to the Director at least two calendar weeks prior to the effective date of the layoff. The Director may:
  - a. Approve the plan.
  - b. Disapprove the plan.
  - c. Refer the plan directly to the Commission for consideration at its next regularly scheduled meeting.
2. Exceptions, if any, to layoff rules shall be requested in the written plan, with justification. For exceptions, the Director may:
  - a. Grant interim approval subject to ratification by the Commission at its next regularly scheduled meeting.
  - b. Refer the exceptions directly to the Commission for consideration at its next regularly scheduled meeting.

#### **(b) Layoffs Involving Probational Employees Only**

In layoffs involving probational employees only, the appointing authority shall provide written notice to the Director of such layoffs prior to the effective date.

#### **(c) Layoffs Caused by Establishment of a New, Lower Position for an Encumbered Position**